

January 4, 2010
Special Board Meeting
Old Capitol Building
Olympia, Washington

MINUTES

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Attending: Chair Mary Jean Ryan, Vice-Chair Warren Smith, Dr. Bernal Baca, Ms. Amy Bragdon, Dr. Steve Dal Porto, Mr. Randy Dorn, Dr. Sheila Fox, Ms. Phyllis Bunker Frank, Mr. Bob Hughes, Mr. Eric Liu, Dr. Kris Mayer, Mr. Jack Schuster, Mr. Jeff Vincent, Ms. Connie Fletcher (14)

Absent: Ms. Austianna Quick, Ms. Anna Laura Kastama (2)

Staff Attending: Ms. Edie Harding, Mr. Aaron Wyatt, Ms. Loy McColm, Mr. Brad Burnham, Ms. Colleen Warren (5)

Call to Order

The meeting was called to order at 1:04 p.m. by Chair Ryan.

Announcements

Chair Ryan thanked members, staff, OSPI staff, and stakeholders, especially the Washington Education Association, for their work on this project.

Ms. Harding reviewed the agenda and materials for today's meeting.

Final Required Action Legislation

The System Performance Accountability System: Proposed Legislation for Required Action for Persistently Low Performing Schools draft was presented to members for review and subsequent approval.

After the November 2009 Board meeting, staff received feedback from stakeholders about the Board's initial proposal. Four major presentations by staff were made to the Washington State School Directors Association, the House Education and Fiscal Committees, the Senate Early Learning and K-12 Committee, as well as the OSPI Dream Team. Staff also met with other education stakeholders, as well as federal and state education staff teams, to examine ways to improve the December 1, 2009 draft. Major policy issues were identified during the feedback process as follows:

- Keep the identification process simple to identify lowest achieving schools.
- Allow more time to implement the process for required action districts.
- Be clear about the inability to use charter schools as one of the four federal models, unless legislature authorizes.
- Keep the academic performance audit informative but not prescriptive.

- Do not withhold Title I funds as one of the impasse options (for unions no impasse option except peer mediation is acceptable, for others impasse options are a critical piece to provide ability to reach solutions and hopefully never use).
- Find ways to help all schools be successful and close the achievement gap.

Staff considered the above points when working on ways to clarify the legislation for today's meeting.

Staff recommended the following changes to the policy guidance that was presented at the November 2009 Board meeting:

1. Remove state criteria to further define five percent persistently lowest achieving schools.
2. Revise timelines and make required action process mandatory in 2011.
3. Provide a foundational strategy to lay groundwork for using intervention models.
4. Define impasse options further.

Goals, objectives, and outcomes expected for the proposed required action bill were presented for discussion.

The Summary of SBE Required Action Final Bill Key Components, Attachment A was presented as follows:

- Section 1: Intent
- Section 2: Identification of the persistently lowest achieving schools
- Section 3: Required Action Districts
- Section 4: Academic performance audit
- Section 5: Required action plan
- Section 6: SBE approved required action plan
- Section 7: Reallocation of Title I funds if no required action plan
- Section 8: Implementation of required action plan
- Section 9: Biannual reports and delisting districts

The timelines from Attachment G of the proposal were presented as follows, (with those in bold being in statute and those not bold in rules):

Winter 2010	OSPI invites districts for Voluntary Action Districts based on list of five percent lowest achieving schools.
December 2010	OSPI creates list of five percent lowest achieving schools and identifies schools/districts for required action (if they did not volunteer).
January 2011	OSPI recommends and SBE designates Required Action Districts (annual process).
May 2011	Mediation and if needed, arbitration if no agreement on plan, will begin 120 days after district is designated a required action district.
May 2011	Local school board submits required action plan and SBE approves required action plan.
July 2011	Local board has forty days to create new plan if SBE does not approve.
School Year 2011-12	Next school year after district is designated a required action district: required Action District implementation plan.

Board Discussion

The members asked clarifying questions with Chair Ryan and Ms. Harding responding.

Public Comment

Wendy Rader-Konofalski, Washington Education Association (WEA)

In Section 5, page 16 number three only applies to those schools as required action districts. A provision in a contract would have to be negotiated, so imagine 295 districts and many who haven't heard anything about required action. All of the unions that have folks in the districts will suddenly be expected to put provisions in contracts that they don't know anything about – what it means, what it is, and why it's there. This will draw a lot of unnecessary negative attention to an effort we want to try to move through more smoothly. What will happen with those who are already in a contract? Ms. Rader-Konofalski said that this is irregular and unprecedented in this state. This is a new thing and something the WEA does not take lightly. The WEA requests that the Board take to heart the recommendation to have this only apply to required action districts. The WEA takes pride in collective bargaining in the local level as an effective tool for reform. The WEA agrees to required action only if districts are given support and collective bargaining should be honored throughout the process. When talking about provisions in a contract as an addendum, the WEA suggested some new language. The WEA suggested taking away the binding arbitration language altogether and changing the language on the Public Employees Retention Commission mediation. The WEA encourages collaboration to discuss how to get back to the bargaining table. The WEA asked that the Board consider including members to the audit review team with recent classroom experience and K-12 collective bargaining experience. The WEA looks forward to a genuine collaboration for everyone. Ms. Rader-Konofalski thanked the Board for the time and effort on the process and looks forward to working with the members in the future.

Karen Davis, Washington Education Association (WEA)

The WEA understands that the state will potentially receive \$42.5 million for the school improvement grant, which will be used to help the required action districts. Divided out between the 50 schools that we preliminary talked about over a three year period, each school will get about \$280,000 a year. It might not be sufficient at the local level to implement the change that the audit might identify. The bill draft has in several places "subject to available funds," the WEA has noted additional places where they would like to add the phrase. Additionally the WEA has language regarding the plan and the budget that's required can only be as good as the funding that's provided. The scope of the budget and the availability of the budget to cover everything pointed out in the audit will be up to what's available in funds. The audit might do a wonderful job of telling the districts what needs to change in that district but you can only go as far as the funds will allow. The WEA has concerns, especially following eight years of NCLB. The funding was not there but expectations were high and left the districts between a rock and hard place.

George Scarola, League of Education Voters (LEV)

Mr. Scarola spoke on behalf of Excellent Schools Now. The leadership that the Board has provided is giving a whole group of people to take on the schools. The group includes Alliance for Education, Black Education Strategy Roundtable, Partnership for Learning, League of Education Roundtable, College Success Foundation, Stand for Children, Parent Teacher Association, Washington Roundtable and others. The Board is on the right track and the direction is supported. LEV encourages the Board to vote to finalize this today.

Caroline King, Partnership for Learning (PFL)

PFL applauds the Board for the work being done in collaboration with OSPI. The PFL agrees that the Board is on the right track. The proposal is thoughtful and works within existing structures and contracts. The audit process allows solutions to be tailored to local, unique conditions. The PFL agrees with Superintendent Dorn that the primary objective has to be to

drive changes in districts and schools that continue to fail their students. It's important to recognize that we cannot afford that situation to continue. Some components of the federal intervention models most likely to be used in our state – transformation and turnaround – may be highly controversial (i.e., providing funding incentives, replacing the principal and staff) and may actually be quite difficult to negotiate at the local level. The state needs to set the conditions to flexibilities necessary to turn around our lowest achieving schools and provide a high quality education to every student. The PFL encourages the Board to take the leadership necessary, take bold action, and move forward to do what is necessary to turn around our state's lowest achieving schools.

Mack Armstrong, Washington Association of School Administrators (WASA)

Mr. Armstrong thanked the Board for the modified timeline. Those in the field have expressed concerns about jumping in with both feet rather than working through the issues. There is not just one bargaining unit, but sometimes four or five associations or units that need to be involved in collective bargaining. He suggested that entering into collective bargaining ahead of time and having basic boiler pieces that can be understood helps with meaningful dialogue. If structure is an element entered into but is one that identifies the conditions that a school or district needs to concentrate on an individual school then the plan works with collective bargaining. Some districts already enter in to a binding arbitration or some type of resolution. The WASA suggests that the Board structure the language to allow for what is already in existence and the work already being done. Collaboration is a strong point. All of the elements and generating a lot of conversation is a challenge. The Board is on the right path and WASA stands ready to continue in the dialogue.

At the conclusion of the public comment session, the members walked through the attachments making amendments as follows:

- Section Two: Identification of the persistently lowest achieving schools – change “beginning in December 2010....” to “Beginning in the fall and not later than December 1, 2010...” Members voted unanimously for the change in language.
- Section Five: Required action plan – there was a question regarding collaboration vs. consultation and the definition of both. The members voted to accept collaboration with opposition from Ms. Fletcher and Mr. Smith.
- Section Five: Required action plan – amendment made to the list to add a sixth point to include a letter of understanding prior to submission to the Board. Number four addresses this. Amendment withdrawn.
- Section Five: Required action plan – amendment made to the last paragraph beginning with “expiring collective bargaining...” to “after the effective date of the law, any district designated for required action shall have the authority to reopen its collective bargaining agreement, if that is needed, in order to develop and implement an appropriate required action plan”. The members voted to change language.
- Section Five: Required action plan – a motion was made to amend the last paragraph by striking the binding arbitration as an impasse option. Motion to remove binding arbitration was denied.
- Section Seven: Reallocation of Title I funds if no required action plan – motion was made to amend language from “request”....to “direct.....” The members voted to change language.

Business Items

Final Accountability Required Action Legislation

Motion was made to approve the proposed accountability legislation, as amended at today's meeting, as the Board's agency requests legislation.

Motion seconded

Motion carried with Dr. Baca opposing.

The meeting was adjourned at 3:50 p.m. by Chair Ryan.